

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAKSHMI ARUNACHALAM,

Plaintiff,

v.

STANFORD HEALTH CARE, et al.,

Defendants.

Case No. [18-cv-03995-TSH](#)

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT**

Re: Dkt. No. 21

On September 11, 2018, Plaintiff Lakshmi Arunachalam filed a Motion for Default Judgment pursuant to Federal Rule of Civil Procedure 55(b), seeking one billion dollars in damages. ECF No. 21. The Ninth Circuit has stated that Rule 55 requires a “two-step process” consisting of: (1) seeking a clerk’s entry of default, and (2) filing a motion for the entry of default judgment. *See Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986) (“Eitel apparently fails to understand the two-step process required by Rule 55.”); *Symantec Corp. v. Global Impact, Inc.*, 559 F.3d 922, 923 (9th Cir. 2009) (noting “the two-step process of ‘Entering a Default’ and ‘Entering a Default Judgment’”).

In light of the requirement to obtain entry of default before seeking default judgment, courts regularly deny motions for default judgment where default has not been previously entered. *See, e.g., Ardalan v. McHugh*, 2013 WL 6212710, at *23 (N.D. Cal. Nov. 27, 2013) (“Without first obtaining an entry of default against Defendants, Plaintiff’s motion for default judgment is improperly before this Court.”); *Marty v. Green*, 2011 WL 320303, at *3 (E.D. Cal. Jan. 28, 2011) (“Plaintiff’s motion for default judgment is denied because plaintiff did not follow the procedural steps required to properly file a motion for default judgment. Specifically, plaintiff failed to seek a clerk’s entry of default from the Clerk of Court prior to filing his motion for default judgment.”);

1 *Norman v. Small*, 2010 WL 5173683, at *2 (S.D. Cal. Dec. 14, 2010) (denying plaintiff's motion
2 for default judgment because "the clerk has not entered default").

3 In this case, default has not been entered against Defendants. Accordingly, Plaintiff's
4 motion is improperly before this Court and the motion is therefore **DENIED**.

5 **IT IS SO ORDERED.**

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7 Dated: September 12, 2018

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10 THOMAS S. HIXSON
11 United States Magistrate Judge
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